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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,603	11/20/2003	Yoshiyuki Sono	2003-1654A	7181

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EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

## Application No.

10/716,603

## Applicant(s)

SONO, YOSHIYUKI

## Examiner

Steven M Marsh

## Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11202003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the first office action for U.S. Application 10/716,603 for a Wheel-like Wire Holder filed by Yoshiyuki Sono on November 20, 2003.

#### ***Drawings***

Figure 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

The abstract of the disclosure is objected to because in line 1 of the abstract, the word - - wires - - should be inserted between "surrounding" and "and". Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: Page 1, line 17, the words - - such a - - should be inserted between "of" and "wire". Appropriate correction is required.

***Claim Objections***

Claim 2 is objected to because of the following informalities: Line 4 of the claim, the word - - to - - should be inserted between "connected" and "the". Line 5 of the claim, the word "being" should be deleted and replaced with - - is - -. Line 6 of the claim, the word "having" should be deleted and replaced with - - has - -. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites the limitation "whereas the other spoke". However, there are "two spokes" claimed, as well as a "plurality of spokes", and therefore it is not clear what spoke is referred to by "the other spoke". Claims 3 and 4 recite the limitation "the confronting ends" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3632

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,325,340 B1 to Yonezawa. Yonezawa discloses a wheel-like wire holder with a ring (the outer portion of 10), a center hub (formed by 4a-4c), and a plurality of spokes (2a-2d) connecting the center hub to the ring. The center hub defines a center space and the ring and the hub have cuts on their circumferences (the passage 5 communicates with each cut). The cuts are connected by two spokes (2c and 2d) to define a radial passage (5) for the center space to communicate with the outside. The cut of the ring is adapted to be open and closed and the ring has an extra space (at 6) defined next to the cut, which is adapted to be open and closed. One of the spokes reaches short of the ring and is bent (at 8) to provide a sub-spoke that is connected to the ring (via 2d, 12b, 2b and the ring) to define the extra space. Another spoke (2c) is connected to the ring and has a barrier piece (12a and 12c) projecting towards the extra space and blocking access to the center hub. There are fastening pieces (7 and 8) formed on confronting ends of the cut to close and open the loophole.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application 2004/0108419 A1

Art Unit: 3632

U.S. Patent 4,715,571 to Soltow et al.

U.S. Patent 4,555,589 to Osada

U.S. Patent Des. 362,382 to Cloud

U.S. Patent 5,347,787 to Gavin

U.S. Patent 3,280,529 to Reuss

U.S. Patent Des. 478,269 S to Snyder

U.S. Patent Des. 382,463 to Cloud

U.S. Patent 6,465,741 B2 to Pionek et al.


U.S. Patent Des. 344,012 to Aoki

U.S. Patent Des. 223,701 to Lausch


U.S. Patent Des. 358,545 to Price

The above patents all disclose wire holders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

  
Steven M. Marsh

June 22, 2004

  
LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER